

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6535

BILL NUMBER: HB 1140

NOTE PREPARED: Jan 5, 2013

BILL AMENDED:

SUBJECT: Military Income Tax Deduction.

FIRST AUTHOR: Rep. Macer

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill phases in an increase of the military income tax deduction from \$5,000 to \$7,000. It also removes the minimum age requirement for an individual to deduct income received as retirement or survivor's benefits.

Effective Date: January 1, 2013 (retroactive).

Explanation of State Expenditures: *Department of State Revenue (DOR):* The DOR would incur some administrative expenses relating to the revision of tax forms, instructions, and computer programs to reflect the changes to the military income deduction. The DOR's current level of resources should be sufficient to implement these changes.

Explanation of State Revenues: *Summary* - The bill extends the military income deduction to taxpayers who are currently not eligible for the deduction beginning in 2013, and increases the maximum deduction level beginning in 2014. The revenue impact of these changes would begin in FY 2014. The estimated revenue loss for FY 2014 to FY 2016 is summarized in the table below. The revenue loss could potentially grow by 4% to 5% annually thereafter.

Type of Military Income	FY 2014 Revenue Loss (in millions)	FY 2015 Revenue Loss (in millions)	FY 2016 Revenue Loss (in millions)
Military Pension (Retirees 60 years old or older)	\$0.0	\$0.5	\$1.1
Military Pension (Retirees under 60 years old)	1.7	2.1	2.5
Survivor's Benefit (Survivors 60 years old or older)	0.0	0.1	0.2
Survivor's Benefit (Survivors under 60 years old)	0.3	0.3	0.4
Full-Time Active Duty Pay	0.0	0.6	1.2
Armed Forces Reserve/National Guard Regular Pay	0.0	0.7	1.4
Total	\$2.0	\$4.3	\$6.8

Background Information - The bill does the following:

(1) It increases the adjusted gross income (AGI) deduction for military service pay earned by individuals who are members of an active component of the U.S. armed forces. The deduction would be increased from a maximum of \$5,000 to \$6,000 in 2014 and then to \$7,000 beginning 2015.

(2) It increases the AGI deduction for military pension and survivor's benefits paid to individuals who are 60 years old or older. The deduction would be increased from a maximum of \$5,000 to \$6,000 in 2014 and then to \$7,000 beginning 2015.

(3) It extends the AGI deduction for military pension and survivor's benefits to individuals receiving these benefits who are under the age of 60 beginning in 2013.

The estimates are based on pay and benefit information and personnel, retiree, and survivors counts from 2005 to 2012 from the U.S. Department of Defense (DOD), Defense Manpower Data Center (DMDC). These data provide: (1) counts of active duty, Armed Forces Reserve, and National Guard personnel reporting Indiana as their state of legal residence and annualized taxable pay to those individuals; and (2) counts of military retirees and survivors reporting Indiana as their state of legal residence and monthly annuity payments to those individuals.

The estimates assume that active duty, Armed Forces Reserve, and National Guard personnel and military retirees and survivors who are 60 years old or older are already claiming the current military income deduction of up to \$5,000. It also accounts for Armed Forces Reserve and National Guard personnel who claim the current full deduction for active duty pay they may earn. The estimate does not include active duty personnel reported with an Indiana duty location who are not Indiana residents.

Current statute provides an AGI deduction for the first \$5,000 of income earned by an individual for his or her service in an active or reserve component of the U.S. armed forces, including the National Guard. The \$5,000 deduction also applies to military retirement income or survivor's benefits received by a taxpayer who is 60 years old or older. Also, current statute provides a full deduction for active duty pay earned by members of the Armed Forces Reserve or National Guard in lieu of the deduction for military service income described above. (Note: Combat pay is already excluded from federal gross income and, as a result, is excluded from Indiana AGI.)

In 2012, the DMDC reported pay and benefit amounts for 19,722 full time active duty personnel, 21,299 Armed

Forces Reserve and National Guard personnel, 25,666 military retirees, and 4,131 survivors who reported that Indiana was their state of legal residence. The active duty pay is estimated to have totaled \$529.5 M in 2012 while pay to Armed Forces Reserve and National Guard personnel is estimated to have totaled \$207.0 M for the year. The total annuity payments in 2012 to military retirees is estimated to have totaled \$551.3 M, with the total paid to survivors estimated at \$45.2 M for the year. In tax year 2011 (the most recent tax return data available), 2,268 members of the Armed Forces Reserve and National Guard claimed deductions for active duty pay totaling about \$43.8 M.

Explanation of Local Expenditures:

Explanation of Local Revenues: Because the changes to the military income deduction will decrease taxable income, counties imposing local option income taxes could potentially experience a decrease in revenue from these taxes. Based on the current average LOIT rate of 1.45%, the estimated revenue loss for FY 2014 to FY 2016 is summarized in the table below. The revenue loss could potentially grow by 4% to 5% annually thereafter.

Type of Military Income	FY 2014 Revenue Loss (in millions)	FY 2015 Revenue Loss (in millions)	FY 2016 Revenue Loss (in millions)
Military Pension (Retirees 60 years old or older)	\$0.0	\$0.2	\$0.5
Military Pension (Retirees under 60 years old)	0.7	0.9	1.1
Survivor's Benefit (Survivors 60 years old or older)	0.0	0.04	0.1
Survivor's Benefit (Survivors under 60 years old)	0.1	0.1	0.2
Full Time Active Duty Pay	0.0	0.3	0.5
Armed Forces Reserve/National Guard Regular Pay	0.0	0.3	0.6
Total	\$0.8	\$1.8	\$3.0

State Agencies Affected: Department of State Revenue.

Local Agencies Affected: Counties with local option income taxes.

Information Sources: U.S. Department of Defense, Defense Manpower Data Center. OFMA Income Tax Return databases.

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